

Introduced by: Hodgins
Date: Oct. 13, 1987
Hearing: Nov. 17, 1987
Vote: 9 YES, 7 NO
Action: Adopted
RECONSIDERATION 12/1 (O'Connell)
Not Reconsidered 12/1

KENAI PENINSULA BOROUGH

ORDINANCE 87-58

AMENDING THE BOROUGH LIQUOR LICENSE POLICY ORDINANCE.

WHEREAS, KPB 7.10.020 requires the assembly to file a protest with the State Alcoholic Beverage Control Board on new or transfer liquor license applications, where the location of the premises would be within five hundred (500) feet of an already established school, playground, or church; and

WHEREAS, there has been some confusion about the method of measuring the 500 feet distance restriction contained in KPB 7.10.020(A)(2)(c); and

WHEREAS, the State of Alaska measures its similar 200 feet distance restriction by "the shortest pedestrian route from the outer boundaries of the schoolground or the public entrance of the church building", in AS 4.11.410(a); and

WHEREAS, it is desirable to define the method of measuring this 500 feet distance restriction;

NOW THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That KPB 7.10.020(A)(2) is amended to read as follows:

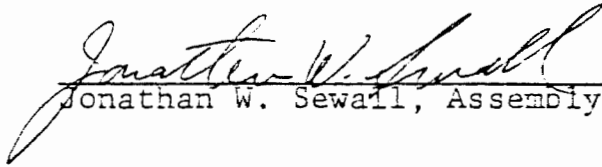
2. Applications for a new license or requesting approval of a relocation of the licensed premises in the following circumstances in areas of the borough outside cities:

- a. Where there is insufficient ingress and egress for traffic to the premises; or
- b. Where the location of the premises would unduly interfere with the flow of traffic; or
- c. Where the property line of the licensed premises would be within 500 feet by straight line measurement from the property line of a premises utilized as [THE LOCATION OF THE PREMISES WOULD BE WITHIN 500 FEET OF AN ALREADY ESTABLISHED SCHOOL, PLAYGROUND OR CHURCH] an already established school, playground or church;

- d. Where the existence or location of the premises would unduly interfere with or impact school operations; or
- e. Where the existence or location of the premises is inconsistent with surrounding property uses; or
- f. Where any other facts are presented that render the particular application objectionable to the assembly.

Section 2. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 17th DAY OF November, 1987.


Jonathan W. Sewall, Assembly President

ATTEST:


Borough Clerk